

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

*JUDGE'S COPY*

31  
copy

BRETT T. CULVER,

Plaintiff

FILED  
HARRISBURG

PETITION

v.

JAN 15 2002 CIVIL NO. 1:01-cv-00904

COMMONWEALTH OF PENNSYLVANIA,  
et al.,

Defendants

(Judge Kane)

MARY E. D'AGOSTINO  
Per \_\_\_\_\_ Deputy Clerk

On 1-11-02 at approximately 2:00 p.m. Captain of Security (Vincent Mooney) accosted this plaintiff with slanderous, degrading, and inflammatory verbal harassment in a deliberate "hostile and assaultive theatrical display, with approximately six other correctional officer bystanders. Vincent Mooney's actions and statements were maliciously intended to incite/instigate staff bias and retaliatory action against this plaintiff. Vincent Mooney continues to use his position of authority to accost, assault, harass, and direct/propagate aggression (through inmate population and staff personnel) against this plaintiff at the S.C.I. Mahanoy facility.

The incident occurred 1-11-02 when this plaintiff was in movement to a Doctors appointment to receive medication for stress complications/conditions incurred, received, and aggravated by and through continued staff abuses this plaintiff has been subjected to by violating staff personnel at SCI Mahanoy (via Administrative retaliations). "As previous incidents demonstrated by Vincent Mooney," he was raging and yelling insults and slanderous remarks about this plaintiff to the audience present so as to intentionally and deliberately incite/instigate retaliatory assaultive and aggressive actions/attitudes from his audience (which was about six officers at "this incident) against this plaintiff. Vincent Mooney was raging and yelling so loud that this plaintiff couldn't understand all that he was saying (acoustics of lobby area with extreme yelling). Then Vincent Mooney started to yell about the video monitor system (in the Medical Building Lobby area) and went into the adjoining area (between lobby and operations offices) and continued yelling through the open door, saying he had better hide from view so that the video system couldn't be used against him, as he said to the other officers that he was involved in a law suit with this plaintiff.

I, Brett T. Culver, cite as evidence and record "the Security Video Monitoring System Tapes" of this 1-11-02 (1:45 p.m. / 2:15 p.m.) incident. Plaintiff continues to suffer abuses and retaliatory treatment by the S.C.I. Mahanoy facility personnel, and continues to suffer abuses of unrestrained hostile/terroristic/criminal retaliatory assaults by defendant Vincent Mooney. The incident of 1-11-02 is a continuation of said violations committed by defendant Vincent Mooney against this plaintiff, as the video monitoring tapes are now cited as evidence to be sequestered for Trial Court proceedings.

ON THE DATE OF INCIDENT JANUARY 1, 2002 this plaintiff Brett T. Culver has filed notification to the S.C.I. Mahanoy acting Superintendent Robert Shannon to hold and document for the record (and Court proceedings 1:01-cv-00904) all Security Video Monitoring Tapes for the date of 1-11-02, times of 1:45 p.m. through 2:30 p.m., monitoring system area; "Medical Building Lobby and area adjoining entrance to operations office and visiting room change area."

UNSWORN DECLARATION AFFIDAVIT

I Brett T. Culver do hereby verify that the facts set forth in the foregoing AFFIDAVIT to the Court dated 1-11-02 are true and correct to the best of my personal knowledge, or information and belief, and that any false statements herein are made subject to the penalties of 18 Pa. C.S.A. § 4904, relating to unsworn falsification to authorities.

Truthfully Submitted,

  
Brett T. Culver,

Plaintiff

Verified this 12 day of January, 2002

PROOF OF SERVICE

I, the undersigned, hereby aver that I have served the foregoing AFFIDAVIT dated 1-11-02 upon the U.S. District Court in the manner indicated:

SERVED BY U.S. MAIL ADDRESSED AS FOLLOWS.

U.S. DISTRICT COURT  
CLERK OF COURTS  
228 WALNUT STREET  
P.O. BOX 983  
HARRISBURG, PA. 17108

Served this 12 day of January, 2002

Signature, 

BRETT CULVER DD-3483  
301 MOREA ROAD  
FRACKVILLE, PA. 17932

December 28, 2001

U.S. DISTRICT COURT  
CLERK OF COURTS  
228 WALNUT STREET  
P.O. BOX 983  
HARRISBURG, PA. 17108

Dear Clerk of Courts.

There has been discovered a typographical error in the Civil Case No. on some documents received, and some submitted that I am pointing out for correction at this time.

The ORDER received from the Court, Clerk dated 7-24-01, was issued with a incorrect Civil Case No. (1:cv-01-0904) which should be 1:01-cv-00904. The incorrect Civil Case No. entered on the document of Court ORDER caused the following return documents to be cited under that incorrect Civil Case No.:

- (a) "RESPONSE TO COURT ORDER DATED 07-24-01" which carries the service date of 07-31-01.
- (b) AFFIDAVIT dated 08-17-01.
- (c) AFFIDAVIT dated 10-09-01.
- (d) AFFIDAVIT dated 10-10-01.

Dated this 28 day of December, 2001

  
Plaintiff

Brett T. Culver  
DD-3483  
301 Moreau Road  
Frackville, PA. 17932  
1-12-02

U.S. DISTRICT COURT  
CLERK OF COURTS  
228 WALNUT STREET  
P.O. BOX 983  
HARRISBURG, PA. 17108

Dear Clerk of Courts

Please submit this Affidavit (submitted on service date of 1-12-02) to the record for Case No. 1:01-cv-00904.

Sincerely,

